

**PUBLIC MEETING  
JULY 13, 2010  
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kelly Blake, Katie Jerstad, Frank Rives, Nancy Everson, Laura Erikson, Mark Simonich, Kathy Moore, Diana Maneta, Joe Mueller, Beth Norberg, Cheryl Green, Judy Hart, Carole Byrnes, David Brandon, Betty Bisom, Patricia Williams, James Schneider, Tom Beck, Mike Sather, Marylis Filipovich, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Vendor Claims Report for the week of July 5, 2010. (Marni Bentley)
- b. Equitable Sharing Agreement and Certification for the Missouri River Drug Task Force Equitable Sharing Fund. (Tammy Potter)
- c. Resolution 2010-232 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2006 and June 30, 2009, from the County Clerk's Office Pursuant to Section 7-6-2607, MCA. (Marni Bentley)
- d. ~~Construction Agreement #NE STPP 9-1(15)39 Between Lewis and Clark County and Montana Dept. of Transportation for Construction of Improvements and Maintenance of Lighting and Sidewalks, US 287, Main Street, Augusta, MT.~~ (Kyle Thomas)
- e. Resolution 2010-233 Ordering a Refund of Taxes/Fees/Assessments Paid by Michael Taylor in the Amount of \$15.01. (Cheryl Green)
- f. Resolution 2010-234 Ordering a Refund of Taxes/Fees/Assessments Paid by GN Hotel LLC in the Amount of \$12,201.21. (Cheryl Green)
- g. Task Order No. 11-07-5-31-011-0 to Master Contract Between Lewis and Clark County and Montana Dept. of Public Health and Human Services to Provide Funds from State General Fund for Home Visiting Services by Public Health Nurses and Social Workers to High-risk Pregnant Women, Their Infants, and Other Infants Identified at Risk for Needing Special Health Care in the Amount of \$52,375. (Dorothy Bradshaw)
- h. Task Order No. 11-07-5-01-025-0 to the Federal MCH Block Grant Contract Between Lewis and Clark County and Montana Department of Public Health and Human Services to Provide Federal Funds for the Fetal Infant Child Mortality Review, Home Visiting Services, and Community Referral and Follow-up System for Children with Special Health Care Needs in the Amount of \$70,415. (Dorothy Bradshaw)
- i. Contract Between Lewis and Clark County and Montana Dept. of Environmental Quality for Energy Efficiency and Conservation Block Grant to Upgrade the Heating Systems at the County Shop Complex in the Amount of \$61,518. (Diana Maneta)
- j. FY2011 Extension Services Agreement Between Lewis and Clark County and Montana State University Extension Service. (Brent Sarchet)

- k. Agreement Between Montana Arts Council and Lewis and Clark County as Sponsor of the Lincoln Council for the Arts in the Amount Not to Exceed \$1,800 as Appropriated by the 61<sup>st</sup> Legislature.
- l. Understanding of Services Provided By Anderson Zurmuehlen for Year Ended June 30, 2010 (Nancy Everson)
- m. Contract #MT-DDBG-10PF-03 Between Lewis and Clark County and Montana Dept. of Commerce for the Rocky Mountain Development Council Block Grant in the Amount of \$450,000 to Purchase the Wesco Building at 631 N. Last Chance Gulch, Helena. (Laura Erikson)

Eric Bryson reported on the consent action items and recommended approval.

No public comments were received.

Commissioner Brown moved to approve the consent action items excluding 'd' and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Presentation of Check from Helena Association of Realtors to Assist Lewis & Clark County in Developing Homeowner Materials for the Septic Tank Program. Joe Mueller presented the county with a \$5,000 check from the National Association of Realtors to assist the county in its educational efforts to the community relating to the septic tank program. The first check for \$5,000 came from the Helena Association of Realtors and the Montana Association.

Request for Modification of the Subdivision Approval for the Paradise Valley Minor Subdivision. (Applicant: Wayne Wilson) (Planner: Frank Rives) A proposed modification of a first minor subdivision, to be known as the Paradise Valley Subdivision, has been submitted to Lewis and Clark County for review. Conditions 6A and 6B require the provision of a Level of Service analysis for Norris Road east of Applegate Drive and require the proportionate share of cost of improving Norris Road east of Applegate Drive to a paved standard road section for the Paradise Valley Minor Subdivision. This request is that the Level of Service analysis not be required and the proportionate share costs for Norris Road improvements be done to the County's gravel road standard. The proposed subdivision is located east of and adjacent to Applegate Road and north of and adjacent to Norris Road.

Frank Rives reported on the applicant's request to modify two conditions of approval for the subdivision with suggested language for the modification. The applicant submitted a letter from Abelin Traffic Services, Inc. to support the conclusion that the level of service at the intersection of Norris Road and Applegate Drive would not be noticeably impacted and the small increase in traffic volume caused by the subdivision at full build out would not have a significant impact on the level of service at that intersection. Staff concluded that the traffic impact analysis was probably not necessary. A more equitable solution would be to request that the applicant contribute to the percentage of the costs associated with improving Norris Road east of Applegate to meet or exceed

the gravel standard Typical Section #1 to modify condition 6.B.b. Staff recommended approval of the request to modify conditions 6.A.a. and 6.B.b. Staff further recommended that a Level of Service Analysis not be required which would modify those two conditions.

The commissioners and staff discussed the accuracy of previous and current traffic counts on Norris Road and Applegate Drive.

Ryan Casne, the applicant's engineer, presented photos of the cross-section of the road and a pothole analysis. Currently, the road appears to be a double-shot chip-seal and base course gravel. The numbers generated by Abelin were sufficient to make a case that the traffic on Norris Road is below 400 trips a day.

Without objection, the commission entered into the permanent record, email testimony from Paul and Betty Bisom, 6496 Silverwood Loop and Harold and Betty Blattie, 6693 Rosewood Drive.

Public hearing -

Tom Beck, 715 Crestwood Lane. Require the applicant to continue with the paved standard to mitigate dusty roads. The traffic count has increased since the gates have been removed.

David Brandon, 6705 Applegate. The road exceeds the gravel standard. The pothole was dug for the specific purpose of determining the base under the gravel. Consider requiring a maintenance fee on this privately built road.

James Schneider, 6575 Rosewood Drive, represents the Crestwood Green Estates Housing Association. The subdivision has experienced increased traffic with no obligation from other members to contribute to the cost of these roads. The cost would be \$350,000 for 30 members to bring that road up to standard. If others utilize that road they should be required to contribute.

Hearing no other comments the public hearing was closed.

Commissioner Hunthausen stated that the applicant would not be required to tear this road up and do something different. We are trying to assess a proportionate share or contribution by the applicant to bring that road to that standard based on the gravel road standard. Commissioner Brown suggested formation of an RID.

The public hearing was re-opened to hear comments about traffic counts taken with and without the gate on Applegate Drive.

James Schneider. The Applegate and Norris numbers would be the most current and accurate count.

Hearing no other comments, the public hearing was closed.

Commissioner Brown moved to table action until we receive the most current traffic count numbers. Commissioner Hunthausen seconded the motion and set Tuesday, July 27, to render a decision. The motion carried 3-0.

Public Hearing. County's Notice of Budget Increase from Property Taxes and of Hearing Thereon. Nancy Everson reported that local governments are authorized to increase property tax levies by one-half of the average rate of inflation for the past three years. That rate of inflation for the past three years was 2.30; one-half is 1.149.

This year the county intends to budget tax revenue increases of the 1.149 percent, or approximately \$225,609. The county increased the health insurance premium for individual employees \$100 a month. That increase in the tax levy is approximately \$342,967. These increases together total \$568,000, or approximately 3.096 of the \$18,300,000 the county currently levies in property taxes. This does not apply to levies for a specific dollar amount like the open space bond issue. The commission received a letter of protest from Helena Montana Associates, LLC. Without objection, the letter was entered into the record.

No public comments were received.

Commissioner Brown moved to approve the budget increases as requested. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Public Hearing. County's Proposed Budget for Fiscal Year 2011. Nancy Everson reported that the commission is scheduled to adopt the final budget on Thursday, July 15. The commission set the following budget priorities for the Fiscal Year 2011 budget. The budget focused on recruiting and retaining quality employees; capital funding; and reserves.

Total revenue budget - \$66,442,000 an increase of almost \$1.7 million compared to fiscal year 2010 budget. A net decrease in reserves, \$1.8 million set aside to purchase capital assets. Expenditures, \$71 million, an increase of \$3 million. The majority of this increase is in the capital.

All Purpose Fund (the main operating fund for the county) - Total revenue \$8.6 million, a decrease of \$414,000. This is due in part to a decrease of our payment in lieu of taxes money from the federal government this year, around \$280,000 decrease. Charges for services, fines and forfeitures, a slight decline in these revenues. Interest earnings, estimating \$78,000 next year, down from \$400,000 in 2008. Net decrease in All Purpose Reserves, \$569,000.

Expenses - \$9.2 million. Total expenses decreased by \$244,000 compared to last year's budget.

The budget consists of several fund types and they were described by Ms. Everson. Due to revenue restraints and the economic recession, personnel received a zero percent cost-of-living increase. New positions in this budget include another deputy county attorney; a detention officer in the public safety fund, and three patrol deputies; and a district court clerk for a new district court judge in January. The patrol deputies are dependent upon grant funding. We have received notification of approval for one deputy. We should know in September about the other two. If that grant is not successful, cash flow will be re-evaluated.

Operations and maintenance were status quo. CTEP projects are budgeted separately. Five million dollars have been budgeted this year for Open Space projects. All Purpose Reserves, 16 percent of budgeted expenditures, or \$1.5 million. Proposed increases in solid waste fees, the Scratch Gravel District from \$70 to \$80; Lincoln Solid Waste District from \$95 to \$110; and the Augusta Solid Waste District from \$78 to \$100. The Water Quality District proposed a 40 5 percent increase in fees.

Overall, the county budget is almost 18 million dollars. The FY11 budget represents a cautious and conservative budget.

Public hearing –

Kathy Moore, Administrator of the Environmental Services Division of the Health Department said the Water Quality District would be seeking an increase of 5 percent in their fees, not 10%.

Hearing no other comments, the public hearing was closed.

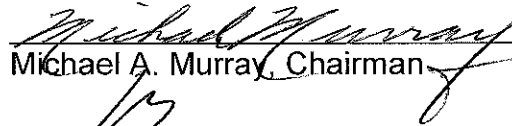
Commissioner Hunthausen moved that the commission render a final decision on the adoption of the budget on Thursday July 15<sup>th</sup>, at the regular scheduled public meeting. Commissioner Brown seconded the motion. The motion carried 3-0. Commissioner Murray announced that he will be out of town on county business, but does support adopting the budget on Thursday.


Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Lewis and Clark Library Director, Judy Hart, informed the Commissioners of successful grant funding for the fourth Big Read Grant. She thanked the commission for supporting two library projects, the Community Room Space addition at the Lincoln Branch Library; and the opening of the East Helena Branch. The grand opening is Saturday, July 24<sup>th</sup>. A \$1,000 donation was received from a local Lincoln community member.

There was no other business, the meeting adjourned at 10:45 a.m.

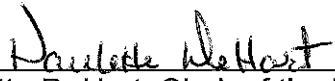
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Derek Brown

  
Andy Hunthausen

ATTEST:

  
Paulette DeHart, Clerk of the Board